

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

SHELBY TOWNSHIP POLICE & FIRE
RETIREMENT SYSTEM, on Behalf of Itself
and All Others Similarly Situated,

Plaintiff,

v.

CELSIUS HOLDINGS, INC., JOHN
FIELDLY, and JARROD LANGHANS,

Defendants.

ANTHONY M. ABRAHAM, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

CELSIUS HOLDINGS, INC., JOHN
FIELDLY, and JARROD LANGHANS,

Defendants.

Case No. 9:24-cv-81472-RLR

**NOTICE OF MOTION OF FRANCIS
BAYOG FOR CONSOLIDATION OF
RELATED ACTIONS, APPOINTMENT
AS LEAD PLAINTIFF, AND APPROVAL
OF COUNSEL**

Case No. 9:25-cv-80053-DMM

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that Francis Bayog (“Bayog”), by and through his counsel, will and does hereby move this Court, pursuant to Section 21D(a)(3) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4(a)(3), for an Order: (1) consolidating the above-captioned actions; (2) appointing Bayog as Lead Plaintiff; and (3) approving Bayog’s selection of Glancy Prongay & Murray LLP as Lead Counsel and Kozyak Tropin Throckmorton, LLP as Liaison Counsel for the class.

Bayog seeks consolidation, appointment as lead plaintiff, and approval of his choice of counsel pursuant to the Exchange Act, the Federal Rules of Civil Procedure, and the PSLRA. This motion is based on this notice, the attached memorandum of law, the declaration of Benjamin J. Widlanski, and the Court’s complete files and records in this action, as well as such further argument as the Court may allow at a hearing on this motion.

COMPLIANCE WITH LOCAL RULE 7-1

This Motion is filed pursuant to Section 21D of the Exchange Act, as amended by the PSLRA. This Section provides that within 60 days after publication of the required notice, any member of the proposed class may apply to the Court to be appointed as lead plaintiff, whether or not they have previously filed a complaint in the underlying action. Consequently, counsel for Bayog have no way of knowing with certainty who, if any, the competing lead plaintiff candidates will be at this time. As a result, counsel for Bayog have been unable to conference with opposing counsel as prescribed in Local Rule 7-1, and respectfully request that the conference requirement of Local Rule 7-1 be waived for this motion. Pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(iii)(II) defendants do not have standing to oppose the appointment of Bayog as lead plaintiff.

Dated: January 21, 2025

Respectfully submitted,

KOZYAK TROPIN THROCKMORTON, LLP

/s/ Benjamin J. Widlanski

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Additional Counsel

CERTIFICATE OF SERVICE

I, Benjamin J. Widlanski, hereby certify that on January 21, 2025, a true and accurate copy of the above document was electronically filed with the Clerk of the Court by using the CM/ECF system which will send Notice of Electronic Filing (NEF) to all counsel of record.

s/ Benjamin J. Widlanski
Benjamin J. Widlanski